

Message Text

SECRET

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----039696 251142Z /16

O 251039Z FEB 78
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC NIACT IMMEDIATE 1482
INFO WHITE HOUSE IMMEDIATE
AMCONSUL JERUSALEM IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE

S E C R E T TEL AVIV 2569

EXDIS DIST AS NODIS

JERUSALEM FOR USDEL ATHERTON FROM AMBASSADOR

E. O. 11652: GDS
TAGS: PGOV PBOR IS US
SUBJ: ATHERTON MEETINGS WITH BEGIN AND DAYAN

REFS: A) STATE 49597, B) STATE 47651

1. ATHERTON IS TAKING A FEW HOURS OF WELL-DESERVED
RESPITE IN HAIFA TODAY PRIOR TO OUR MEETING THIS EVENING
AT 1900 HOURS (FEB 25) WITH DAYAN. MEETING WITH
BEGIN WILL TAKE PLACE MONDAY MORNING, FEB 27; TIME
NOT YET SET. ROY HAS NOT YET SEEN REF A BUT WILL HAVE
IT FOR HIS GUIDANCE WHEN HE RETURNS THIS AFTERNOON.
IN MEANTIME, I WOULD LIKE TO OFFER A FEW OBSERVATIONS
ABOUT OUR NEGOTIATING TACTICS AT THIS DELICATE MOMENT,
WHICH I WILL ALSO PRESS ON ROY.

2. STATE 49594 CONTAINING DEPT'S DETAILED RESEARCH
INTO BACKGROUND AND
MEANING OF RESOLUTION 242 CLEARLY DOES PROVIDE A STRONG
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PRIMA FACIA BASIS FOR QUESTIONING WHETHER BEGIN'S INTERPRE-
TATION OF 242 FAILS TO HONOR COMMITMENTS OF PREVIOUS ISRAELI
GOVERNMENTS. INDEED, IN OUR MEETING WITH HIM BEFORE
ATHERTON WENT TO CAIRO (CAIRO 5743), HE DID NOT REALLY
CONTEST OUR ARGUMENT THAT PREVIOUS ISRAELI GOVERNMENTS
HAD SHARED OUR INTERPRETATION OF WITHDRAWAL PROVISION
OF 242. RATHER, HE MADE CASE THAT HIS GOVERNMENT HAD BEEN

ELECTED ON A DIFFERENT POLITICAL PLATFORM WHICH WE
COULD NOT INSIST THAT HE REPUDIATE.

3. I HAVE GRAVE DOUBTS ABOUT THE WISDOM OF GETTING
INTO A LENGTHY ARGUMENT EITHER HERE OR DURING HIS
WASHINGTON VISIT
ABOUT WHETHER OR NOT ISRAEL IS LIVING UP TO COMMITMENTS
GIVEN BY PREVIOUS INSRAELI GOVERNMENTS, WHETHER THOSE
COMMITMENTS ARE LEGALLY BINDING UNDER INTERNATIONAL LAW
(WHATEVER THAT MEANS) OR NOT. THE ISRAELIS CAN AND MOST
CERTAINLY WILL COUNTER WITH A GREAT DEAL OF CHAPTER AND
VERSE ABOUT REAL OR ALLEGED US FAILURES TO LIVE
UP TO VARIOUS COMMITMENTS MADE TO ISRAEL IN PAST YEARS.
THE FAMOUS EISENHOWER LETTER TO BEN GURION CONCERNING
THE STRAITS OF TIRAN IN 1956, AND THE WAY IN WHICH WE
INTERPRETED THAT COMMITMENT AFTER THE EGYPTIANS CLOSED
THE STRAITS OF TIRAN IN 1967, IS BUT ONE OF MANY EXAMPLES
THEY WILL ADDUCE TO ARGUE THAT WE DO NOT CONSISTENTLY
REGARD OUR OWN GOVERNMENTS AS BEING BOUND BY COMMITMENTS
MADE BY THEIR PREDECESSORS. AND WE MUST ALL BE AWARE
THAT THIS SENSITIVE DEBATE WITH THE ISRAELIS ABOUT THE
WITHDRAWAL CLAUSE OF 242 TAKES PLACE SIMULTANEOUSLY WITH
THE ARGUMENT WITH THEM OVER SALE OF AIRCRAFT. WE HAVE
SOME CLEAR WRITTEN COMMITMENTS TO THEM GROWING OUT OF
THE SINAI II AGREEMENT, WHICH THEY WILL ARGUE WE ARE
NOT LIVING UP TO IN THE WAY WE ARE HANDLING THE
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AIRCRAFT SALES PACKAGE. WITHOUT ARGUING AT ALL THE MERITS
OF THE ISRAELI CASE, NO ONE CAN BE UNDER ANY ILLUSION
THAT THEY WILL NOT ASSERT IT VIGOROUSLY WITH EXHAUSTIVE
REFERENCE TO THE WRITTEN RECORD.

4. IF WE ARE EVENTUALLY TO HAVE ANY CHANCE OF PERSUADING
BEGIN THAT HE MUST SHIFT HIS POSITION ON THE WEST BANK, IT
WILL NOT BE BY INSISTING
THAT HIS GOVERNMENT MUST ESPOUSE AN INTERPRETATION OF
242 WHICH FOREIGN MINISTER EBAN OR OTHER LABOR PARTY
SPOKESMEN MADE ON BEHALF OF EARLIER ISRAELI GOVERNMENTS.
RATHER, WHAT MAY HAVE SOME PROMISE OF ULTIMATE SUCCESS IS
THE ARGUMENT THAT THE CHANCE FOR PEACE WILL SLIP AWAY
IRREVOCABLY UNLESS BEGIN MODIFIES HIS STAND ON TWO
POINTS: (A) THE PRACTICAL ARRANGEMENTS FOR AN INTERIM
WEST BANK REGIME, AND (B) THE PROCESS WHICH WILL BE SET
IRREVOCABLY IN MOTION AT THE END OF AN INTERIM PERIOD
TO DETERMINE THE ULTIMATE DISPOSITION OF THE TERRITORY.
FRANKLY, I AM AT THIS POINT PESSIMISTIC THAT HE WILL
BEND VERY FAR EVEN TO THIS ARGUMENT--OR ANY OTHER. I
THINK THAT SIMCHA DINITZ' COMMENTS TO THE SECRETARY
(REF B, PARA THREE) ARE GENERALLY CORRECT ABOUT BEGIN'S

SITUATION, BUT I AM LESS CONVINCED THAN DINITZ THAT HE WOULD EVER AGREE TO A PARTITION PROPOSAL--EVEN IF ONE WERE FORTHCOMING FROM THE JORDANIANS. AT MOST BEGIN COULD AGREE TO A MORE SATISFACTORY INTERIM ARRANGEMENT WHICH LEAVES THE SOVEREIGNTY CLAIM OPEN FOR SOME SUCCESSOR TO ABANDON. HE WILL NOT ABANDON IT HIMSELF.

5. WHILE I AM PESSIMISTIC, I AM EVEN MORE CERTAIN THAT THE APPROACH SUGGESTED IN REF A WILL ONLY MIRE US IN A FRUITLESS DEBATE WITH BEGIN ABOUT WHICH GOVERNMENT HAS VIOLATED WHICH PREVIOUS COMMITMENTS. THAT ROAD WILL BE TOTALLY USELESS INsofar AS HAVING ANY PROSPECT FOR ACHIEVING AGREEMENT.

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6. I THEREFORE WILL URGE ROY TO STRESS THE VITAL POLITICAL IMPORTANCE OF ACCEPTING THE CONCEPT OF WITHDRAWAL ON ALL FRONTS IN LIGHT OF SADAT'S AND HUSSEIN'S CURRENT POSITION. MY ADVICE WILL BE TO STAY OFF THE LEGAL DEBATE AS TO WHAT PAST COMMITMENTS WERE OR WERE NOT MADE BY ISRAELI GOVERNMENTS, TO THE EXTENT HE CAN DO SO. LEWIS

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